

JUSTICE SYSTEM APPROPRIATIONS SUBCOMMITTEE

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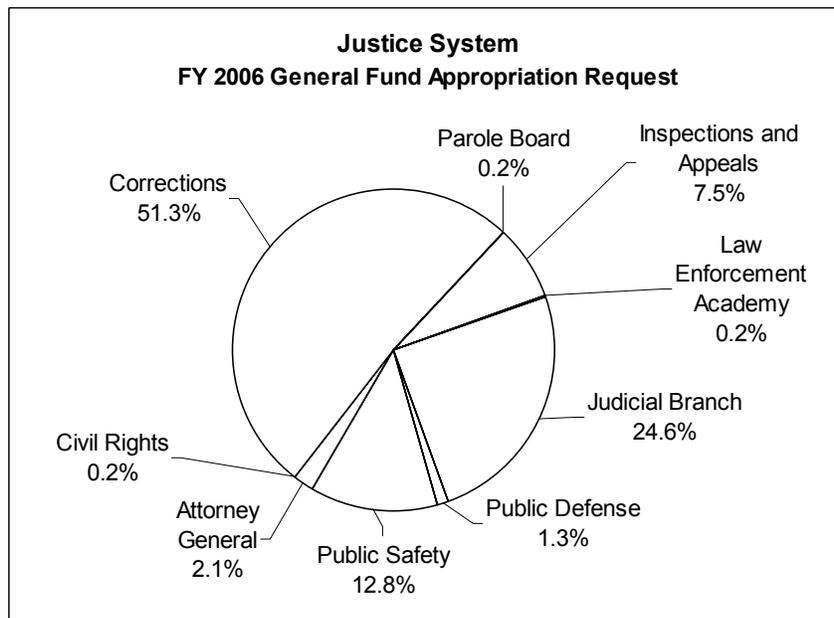
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**Justice System
FY 2006 General Fund Appropriation Request**

Attorney General	\$ 11,172,630
Civil Rights	856,815
Corrections	271,833,770
Inspections and Appeals	39,599,489
Judicial Branch	130,630,340
Law Enforcement Academy	1,073,953
Parole Board	1,071,946
Public Defense	6,240,407
Public Safety	67,897,515
Total	<u><u>\$ 530,376,865</u></u>

Justice System Appropriation Subcommittee
FY 2006 General Fund Requests

	<u>Estimated Net</u> <u>FY 2005</u>	<u>Dept Request</u> <u>FY 2006</u>	<u>FY 2006 vs.</u> <u>FY 2005</u>	<u>Description</u> <u>of Changes</u>
<u>Department of Justice</u>				
General Office A.G.	\$ 7,765,197	\$ 8,358,197	\$ 593,000	An increase for Legal Services Poverty Grants.
Consumer Advocate	2,809,433	2,809,433	0	
Victim Assistance Grants	5,000	5,000	0	
Total Department of Justice	<u>\$ 10,579,630</u>	<u>\$ 11,172,630</u>	<u>\$ 593,000</u>	
<u>Civil Rights Commission</u>				
Civil Rights Commission	\$ 856,815	\$ 856,815	\$ 0	
<u>Department of Corrections</u>				
<u>Corrections Institutions</u>				
Ft. Madison Inst.	\$ 38,145,852	\$ 38,145,852	\$ 0	
Anamosa Inst.	26,998,901	26,998,901	0	
Oakdale Inst.	23,610,727	23,610,727	0	
Newton Inst.	24,616,853	24,616,853	0	
Mt Pleasant Inst.	22,545,883	22,545,883	0	
Rockwell City Inst.	7,792,993	7,792,993	0	
Clarinda Inst.	22,578,749	22,578,749	0	
Mitchellville Inst.	13,239,137	13,239,137	0	
Ft. Dodge Inst.	25,968,406	25,968,406	0	
Total Corrections Institutions	<u>205,497,501</u>	<u>205,497,501</u>	<u>0</u>	
<u>Corrections Central Office</u>				
County Confinement	674,954	674,954	0	
Federal Prisoners/Contractual	241,293	241,293	0	
Central Office Corrections	2,828,216	2,828,216	0	
Corrections Education	1,008,358	1,008,358	0	
Iowa Corr. Offender Network	427,700	427,700	0	
Total Corrections Central Office	<u>5,180,521</u>	<u>5,180,521</u>	<u>0</u>	
<u>CBC Districts</u>				
CBC District I	10,113,032	10,113,032	0	
CBC District II	7,772,849	7,772,849	0	
CBC District III	4,640,744	4,640,744	0	
CBC District IV	4,256,613	4,256,613	0	
CBC District V	13,009,486	13,009,486	0	
CBC District VI	10,087,064	10,087,064	0	
CBC District VII	5,689,384	5,689,384	0	
CBC District VIII	5,586,576	5,586,576	0	
Total CBC Districts	<u>61,155,748</u>	<u>61,155,748</u>	<u>0</u>	
Total Department of Corrections	<u>\$ 271,833,770</u>	<u>\$ 271,833,770</u>	<u>\$ 0</u>	

Justice System Appropriation Subcommittee
FY 2006 General Fund Requests

	<u>Estimated Net FY 2005</u>	<u>Dept Request FY 2006</u>	<u>FY 2006 vs. FY 2005</u>	<u>Description of Changes</u>
<u>Department of Inspections and Appeals</u>				
Public Defender	\$ 16,852,292	\$ 18,436,407	\$ 1,584,115	An increase to fund currently authorized positions.
Indigent Defense Appropriation	19,355,297	21,163,082	1,807,785	An increase to fund projected claims.
Total Dept. of Inspections & Appeals	<u>\$ 36,207,589</u>	<u>\$ 39,599,489</u>	<u>\$ 3,391,900</u>	
<u>Judicial Branch</u>				
Judicial Branch	\$ 118,000,337	\$ 125,650,923	\$ 7,650,586	An increase of \$2.8 million to lift the eight unpaid leave and court closure days in FY 2005, and restore travel and education funds. An increase of \$1.1 million to fund all currently authorized positions. An increase of \$336,000 to fund ongoing operating costs of the new Judicial Building. An increase of \$1.0 million to fund ongoing operating costs of the Iowa Court Information System from the General Fund rather than the Enhanced Court Collections Fund. \$2.1 million to add 41.0 FTE positions across the State. \$416,000 for furnishings and equipment for the Dickinson County courthouse and other courthouses, increased costs of reimbursement to the Department of Administrative Services, and membership in the Consortium for State Court Interpreter Certification.
Judicial Retirement	2,039,664	4,979,417	2,939,753	An increase to fund the employer's share at 23.7% of covered salaries, pursuant to current law.
Total Judicial Branch	<u>\$ 120,040,001</u>	<u>\$ 130,630,340</u>	<u>\$ 10,590,339</u>	
<u>Law Enforcement Academy</u>				
Operations	\$ 1,073,953	\$ 1,073,953	\$ 0	
<u>Board of Parole</u>				
Parole Board	\$ 1,071,946	\$ 1,071,946	\$ 0	
<u>Department of Public Defense</u>				
Military Division	\$ 5,117,007	\$ 5,117,007	\$ 0	
Homeland Security & Emer. Mgmt Div	1,169,860	1,123,400	-46,460	The decrease is due to an omission of the DAS distribution amount in the Department Request submitted to DOM.
Total Department of Public Defense	<u>\$ 6,286,867</u>	<u>\$ 6,240,407</u>	<u>\$ -46,460</u>	

Justice System Appropriation Subcommittee
FY 2006 General Fund Requests

	<u>Estimated Net FY 2005</u>	<u>Dept Request FY 2006</u>	<u>FY 2006 vs. FY 2005</u>	<u>Description of Changes</u>
<u>Department of Public Safety</u>				
Public Safety Administration	\$ 3,035,711	\$ 3,035,711	\$ 0	
Investigation, DCI	14,058,510	14,595,454	536,944	An increase of \$250,000 for crime lab supplies. An increase of \$286,944 and 3.0 FTE positions for special agents to cover the potential addition of table games at the three racetrack sites in Iowa.
Narcotics Enforcement	3,930,089	3,930,089	0	
Undercover Funds	123,343	123,343	0	
Fire Marshal	2,181,998	2,181,998	0	
Fire Service	638,021	638,021	0	
Iowa State Patrol	42,517,133	42,517,133	0	
DPS/SPOC Sick Leave Payout	316,179	316,179	0	
Fire Fighter Training	559,587	559,587	0	
Total Department of Public Safety	<u>\$ 67,360,571</u>	<u>\$ 67,897,515</u>	<u>\$ 536,944</u>	
Total Justice System	<u>\$ 515,311,142</u>	<u>\$ 530,376,865</u>	<u>\$ 15,065,723</u>	

Issues

The Justice System Appropriations Subcommittee may wish to examine the following issues:

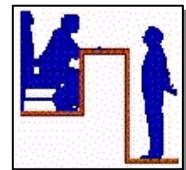
Department of Justice

- ▶ **Victim Compensation Fund** – Based on actuarial studies in other states, at least \$4.6 million should be held in reserve so the Fund remains actuarially sound. This amount provides a six-month reserve for victim claims and operations in case of a catastrophic event, such as the Oklahoma City bombing. The FY 2004 ending balance is projected to be \$3.7 million, which is less than the recommended level.

The Department is maintaining a three-month reserve in FY 2005, so that funds may be transferred to Victim Assistance Grants. The Victim Assistance Grants Program awards funds to service providers for victims of rape, sexual assault, and domestic abuse. Two domestic violence shelters closed in FY 2003 due to financial problems. The Subcommittee may want to review alternatives for either increasing receipts or decreasing expenditures for the Victim Compensation Fund.

- ▶ **Victim Assistance Grants** – The Victim Assistance Grants Program awards funds to agencies that provide services to victims of rape, sexual assault, and domestic abuse. Federal funds received for Victim Assistance Grants have been steadily declining over the last three fiscal years, from \$7.1 million in FY 2003 to \$6.3 million in FY 2005. Receipts have declined from all three federal sources: Victims of Crime Act (VOCA), Violence Against Women Act (VAWA), and the Family Violence Prevention and Services Act. The FY 2005 General Fund allocation (\$35,000) provides the required match for administrative costs of the Violence Against Women Act (\$30,000) and grants to service providers (\$5,000). The General Fund appropriation for Victim Assistance Grants peaked in FY 2001 at \$1,935,806. The Department transferred \$2.3 million from the Victim Compensation Fund to Victim Assistance Grants in FY 2005, pursuant to Section 915.94, Code of Iowa. It is unlikely the Victim Compensation Fund will be able to support the FY 2005 funding level for Victim Assistance Grants in future fiscal years. The Subcommittee may want to review funding options.

- ▶ **Legal Services Poverty Grants** – Chapter 13, Code of Iowa, requires the Attorney General's Office to contract with a nonprofit corporation to provide legal counsel to indigent people in civil matters. The Attorney General's Office contracted with Iowa Legal Aid for the services. The Program was first funded in FY 1997 with a \$950,000 General Fund appropriation. The General Fund appropriation was eliminated in FY 2004; Iowa Legal Aid received \$593,000 from the Civil Reparation Trust Fund. Iowa Legal Aid received \$200,000 from the Civil Reparations Trust Fund in FY 2005, plus \$393,000 from the Attorney General's Office. The Office is requesting \$593,000 from the General Fund in FY 2006 for the Program. The Subcommittee may want to review funding sources for the program.



Department of Corrections

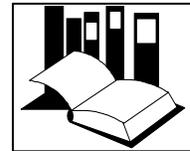
- ▶ **Prison Population Growth** – The Iowa prison population is currently 8,539 inmates, which is 122.2% of current design capacity. The Criminal and Juvenile Justice Planning Division of the Department of Human Rights projects the population to reach 10,582 inmates by FY 2014, if current sentencing policies and laws remain in place. If the inmate population reaches 10,582, three new 800-bed prisons will need to be built at a cost of \$50.0 million for each prison. Each prison will incur annual operating costs of approximately \$28.0 million, if they operate at full capacity. Please review the Issue Review entitled "[Overview of the State Corrections System](#)" for more information. The Subcommittee may want to examine alternatives to building new prisons.



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- ▶ **Mental Health** – Currently, approximately 20.0% of offenders in prison have a mental health condition. The Department is working with the University of Iowa School of Medicine and the Iowa Consortium of Mental Health Board to improve services to a growing number of mentally ill inmates. The Department is constructing a 170-bed Special Needs Unit at the Iowa Medical Classification Center at Oakdale to comply with a federal court order relating to mentally ill inmates. The facility is expected to open in FY 2007. The Subcommittee may want to review this issue with the Department, including the projected operating budget for the facility, the use of this facility in conjunction with the Clinical Care Unit at Fort Madison, and the projected needs of mentally ill inmates. Please review the Issue Review entitled “[Medical Costs of the State Prison System](#)” for more information

 - ▶ **Inmate Employment** – The DOC uses a variety of methods to meet Iowa’s Hard Labor Law (Section 904.701, Code of Iowa). Inmates are employed in the Institutions, e.g., working in the kitchen or laundry. They are also employed on the prison farms, by private sector businesses, and in traditional Iowa Prison Industries jobs. Several Institutions provide community work crews, where the inmates work on projects that benefit local governments and nonprofit organizations. Inmates are also used by State agencies, such as the Department of Natural Resources and the Department of Transportation. House File 2367 (Corrections Omnibus Act), enacted during the 2004 Legislative Session, permits the Department to charge agencies a fee for the use of inmate labor. The waivable fee ranges from \$3.00 to \$5.00 per day per inmate, depending upon services provided by the receiving agency, such as transportation and meals. The stipend is used to offset the costs of inmate labor, such as transportation and inmate personal safety equipment. The Subcommittee may wish to learn more about the type and amount of work performed by inmates and funding generated by the new agency fee.

 - ▶ **Prison Education** – The General Fund appropriation for inmate education peaked in FY 2001 at \$3.3 million. The FY 2005 General Fund appropriation is \$1.0 million, which is a decrease of \$2.3 million (69.4%) compared to FY 2001. Since FY 2001, the DOC is relying on other funding sources, such as carryover funding from the previous year’s appropriation, Institution Canteen receipts, and the Telephone Rebate Fund, to provide adult basic education, high school equivalent, and vocational courses through the community college system. Literacy is a significant problem that limits employment for the inmate population, and the Department has focused educational resources on literacy for the past several years. Research suggests inmate education increases employability of released inmates and reduces recidivism. Vocational education is provided primarily in conjunction with Prison Industries. The Subcommittee may want to examine the effectiveness of funding streams for prison education.



Judicial Branch

- ▶ **Judicial Retirement** – The Judicial Retirement Fund contribution rate is set at 23.7% in Section 602.9104(4)(b), Code of Iowa. According to the most recent actuarial report, the Judicial Retirement Fund is 79.0% funded. The judge’s contribution rate is set in the Code and was increased from 4.0% to 5.0% as of July 1, 2000. There are currently 193 active members participating in the Judicial Retirement Fund. There are nine inactive vested members, 103 retirees and Senior Judges, and 38 surviving spouses. Senate File 2298 (FY 2005 Omnibus Appropriations Act) notwithstanding the Code of Iowa to lower the employer contribution rate to the Judicial Retirement Fund from 23.7% to 9.7%. The FY 2005 General Fund appropriation to the Judicial Retirement Fund was \$2.0 million. For FY 2005, covered payroll is currently estimated at \$21.0 million. If the Judicial Retirement Fund was funded at the statutory requirement of 23.7%, the appropriation would be \$5.0 million.

Department of Public Safety

- ▶ **Iowa State Patrol Vehicle Depreciation** – The State Vehicle Dispatcher recommends that vehicles in the Department of Public Safety be replaced when they have reached 92,000 miles. Currently, vehicles are being replaced at 130,000 miles. High mileage vehicles result in down time for repairs and may create unsafe situations. The scheduled replacement of Iowa State Patrol vehicles is 125

vehicles per year or 30.0% of the fleet. The balance in the Department of Public Safety's accumulated depreciation account is \$1.9 million, of which \$1.5 million is for the Iowa State Patrol. For FY 2005, Public Safety is planning on ordering approximately 95 cars, which is 30 fewer cars than what is needed to maintain the current fleet numbers.

- ▶ **Division of Criminal Investigation Appropriation Increase** – The Division of Criminal Investigation (DCI) is requesting an increase of \$536,944 and 3.0 FTE positions compared to estimated FY 2005.
 - ◆ The DCI is requesting \$250,000 for supplies (chemicals, gloves, cotton swabs, and other expendables) necessary to the operation of the crime lab in Ankeny. The new lab is scheduled to open in December 2004. These expendables were previously covered by a federal grant that expires in December 2004. In FY 2005, Public Safety received an increase in funding of \$250,000 for crime lab replacement funding in SF 2298 (FY 2005 Omnibus Appropriations Act). This money would be used to pay for crime lab expendables once the CLIP grant ends in December.
 - ◆ The DCI is also requesting \$286,944 and 3.0 FTE positions for special agents at all three racetracks (Prairie Meadows, Dubuque, and Council Bluffs), assuming table games are added. This amount would cover the additional FTE positions as well as the training, equipment, supplies, and the additional background and criminal investigations that accompany allowing table games at the tracks. Currently, only Prairie Meadows has applied for a license to include table games. The other two tracks have until June 1, 2005, to receive an expanded gaming license. After that date, the provisional period for expanded gaming expires.

Iowa Law Enforcement Academy

- ▶ **Law Enforcement Academy Class Sizes and Appropriations:** At the end of FY 2004, the Iowa Law Enforcement Academy (ILEA) needed an appropriation transfer of \$150,000 to close the 2004 books. Class enrollments in 2004 were down compared to previous years. The average class size for an Academy is 42 students and six Basic Academy's are offered a year. In FY 2004, there were five Basic classes offered and the average number of students was 32. Fiscal Year 2004 had a decrease of \$269,315 in revenue due to a decrease in the number of students and a lower tuition rate per student compared to FY 2003. The ILEA is currently surveying local governments to determine the reasons for the reductions in staff training. Results of that survey should be available in January 2005.

For FY 2005, notwithstanding language (Section 80B.11B(2), Code of Iowa) in SF 2298 (FY 2005 Omnibus Appropriations Act) allowed ILEA to charge more than 50.0% of the cost of tuition to help offset a potential revenue shortfall. The General Fund appropriation to ILEA for FY 2005 was \$1,066,890, which was a decrease of \$2,696 compared to FY 2004. Tuition for FY 2005 will be 65.0% of cost or \$2,650 per person. This is an increase of \$565 per person compared to the tuition rate for FY 2004. The Subcommittee may wish to discuss the estimated FY 2006 tuition rates with ILEA during the Subcommittee process.

Public Defender and Indigent Defense Program

- ▶ **Caseloads** – The Office of the State Public Defender expended \$39.0 million in total funds during FY 2004, an increase of \$2.7 million (7.3%) compared to FY 2003. Costs for this constitutionally mandated program have been steadily increasing due to the increase in cases and claims. Since FY 1994, the average annual increase in spending has been 8.6%. From FY 1994 to FY 2004, the number of attorney claims for reimbursement from the Indigent Defense Fund has increased 160.8%, while the number of cases handled by the Office of the State Public Defender increased 88.3%. The Subcommittee may want to examine the adequacy of staffing and funding.

Issue Reviews

The LSA completed four **Issue Reviews** during the 2004 legislative interim dealing with:

- [Methamphetamine Laboratories](#)
- [Enhanced 911 System](#)
- [Medical Costs of the State Prison System](#)
- [Overview of the State Corrections System](#)

Copies of the **Issue Reviews** are available on the LSA web site:
<http://staffweb.legis.state.ia.us/lfb/ireview/ireview.htm>.

Topic Presentations

The LSA maintains and updates **Topic Presentations** that are available on the LSA web site. Presentations relating to the Justice System Subcommittee include:

- [Justice System Appropriations Subcommittee](#)
- [Community-Based Corrections](#)
- [Crime Victim Assistance Division of the Department of Justice](#)
- [Iowa Law Enforcement Academy](#)
- [Iowa Prison System](#)
- [Legal Representation of Indigent Defendants](#)
- [Homeland Security and the Emergency Management Division](#)
- [Iowa Court System](#)
- [Methamphetamine Use in Iowa](#)

Copies of the **Topic Presentations** are available on the LSA web site:
<http://staffweb.legis.state.ia.us/lfb/pptpres/pptpres.htm>

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